

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 08-07-22**

Date Published: July 17, 2008
For Work Week Commencing: July 21, 2008
Commission Meeting: July 22, 2008, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live webcast Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2008.6.69 – NorthWestern Corporation – Application by NorthWestern Corporation for Approval of Its Interest in Colstrip Unit 4 as an Electricity Supply Resource Under Certain Terms and Conditions Including Certain Treatment of Net Operating Losses – (1) Consider and act on request to authorize e-mail service in this docket (2) Consider and act on NW's Motion for a Protective Order (filed July 9, 2008), and (3) Consider and act on any other procedural matters if necessary. (7/22/08)
2. D2008.4.36 – NorthWestern Energy – Investigation of NorthWestern Corporation's Compliance with Order 6505e – (1) Consider and act on request to authorize e-mail service in this docket, (2) Consider and act on Montana Consumer Counsel's First Motion for an Order Compelling Production (filed July 7, 2008), (3) Consider and act on MCC's Motion for Leave to Respond out of Time, (4) Consider and act on NW's Motion to Stay Proceedings, and (5) Any other procedural matters in this docket that may be ripe for discussion and decision. (7/22/08)
3. D2007.12.147 – City of Great Falls – Complaint and Request for Declaratory Ruling by the City of Great Falls, Benefits Healthcare System, and Electric City Power, Inc. – Consider future procedure in this docket. (7/22/08)
4. Placeholder - D2008.1.6 – Commission Investigation of Qwest – Reasonableness of Qwest's Rates – Possibly consider suspension of procedural schedule. (7/22/08)
5. D2008.1.6 – Commission's Investigation – Qwest's Rates – Consider Qwest's request for protective order. (7/22/08)
6. D2007.8.96 – Cut Bank Gas – Application for Approval of True-Up of Gas Cost Tracking Adjustment – Discuss the request by Cut Bank Gas to have PSC staff take a deposition of its consultant, Ron Woods, in case he is not available to testify during the upcoming hearing for medical reasons. (7/22/08)
7. N2006.6.84 – NorthWestern Energy – Medical Emergency Rule Application – Request for Commission Intervention in Establishment of a Customer Payment Arrangement. (7/22/08)

8. Out of State Staff Travel – Obtain approval of two travel requests: (1) Joel Tierney, NAPSR national meeting, Boise ID, Sept. 15-19; and (2) Eric Dahlgren, pipeline safety class (Corrosion Control for Pipeline Systems), Oklahoma City, Sept. 15-19. (7/22/08)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. CenturyTel N2008.7.78 (Scott)

On July 14, 2008, CenturyTel filed advice 08-04. The purpose of this filing is to introduce a new service called Prepaid Local Telephone Service (PLTS). This service was originally filed on June 24, 2008, and subsequently withdrawn. CenturyTel requests an effective date of August 13, 2008.

2. Qwest Corporation N2008.7.77 (Gary)

On July 14, 2008 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Border States Industries, Inc. (BSI). Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. The MSA is the result of negotiations for a regional contract between Qwest and BSI for ISDN PRS service. The services purchased by BSI are available from other competitive carriers in addition to Qwest

3. Qwest Services Corporation N2008.7.76 (Gary)

On July 11, 2008 Qwest Service Corporation (Qwest) filed a Petition for Waiver of Months to Exhaust/Utilization Threshold requirements set forth in the FCC's Number Resource Optimization Order, FCC 00-429 and FCC 01-362. A waiver of the FCC's requirements would allow Neustar, Montana's Pooling Administrator, to provide numbering resource to Qwest that have been requested in order for Qwest to satisfy a specific customer request from Blue Cross Blue Shield in Helena. The FCC allows for such a waiver of rules when there is a specific customer request. The waiver process ("safety valve process") is addressed in FCC 01-362, paras 57-66, which delegate waiver authority to state commissions.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

1. Qwest Corporation (Qwest) D2008.1.6 Jim)

On July 14, 2008, Qwest Corp. filed a motion for protective order to govern access to certain information that Qwest deems confidential. Qwest seeks protection for:

- (1) Montana Qwest/Wireline Estimated Market Share As of June 2008 vs. Qwest Loss in Access Lines December 2000 to June 2008 (Response to PSC 02-029©, Confidential Attachment A;
- (2) TNS Telecoms estimate of Qwest residential customer connections for first quarter of 2008 (Response to PSC 02-029©, Confidential Attachment B; and
- (3) Qwest Montana Competitive Assessment as of November 2007 With Updates as of June 2008 (Response to PSC 02-033(a), Confidential Attachment A.

2. NorthWestern Energy (NWE) D2008.6.69 (Al)

On July 17, 2008, NWE filed a motion for protective order to govern access to certain confidential information that it claims has been requested in this docket. Specifically, NWE seeks protection for board materials,

presentations, and meeting minutes. NWE asserts that the information is confidential and protected from disclosure as a matter of law.

3. NorthWestern Energy (NWE) D2008.6.69 (AI)

On July 16, 2008, NWE filed a motion for protective order to govern access to certain confidential information that it claims has been requested in this docket. Specifically, NWE seeks protection for seven categories of information that NWE made available to select bidders during the competitive bid process. NWE asserts that it is precluded by contract from disclosing some of the information by contract and that some of the information is trade secret.

4. NorthWestern Energy (NWE) D2008.6.69 (AI)

On July 16, 2008, NWE filed a motion for protective order to govern access to certain confidential information that it claims has been requested in this docket. Specifically, NWE seeks protection for Coal Cost Information. NWE asserts the information by contract is trade secret.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

1. Commission's Investigation D2008.1.6 Jim

The Commission issued Order No. 6889c on July 15 in response to Qwest's Motion to issue a protective order. The information protected includes deployment of advanced services in six urban areas and a list of carriers subscribing to switched and special access service.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2008.7.75 – NorthWestern Energy – Monthly Electric Tracker

N2008.7.76 – Qwest Corporation – Waiver of Months to Exhaust/Utilization Threshold Requirement – Helena Rate Center

N2008.7.77 – Qwest Corporation – Amended Multi-State Agreement Between Qwest Corporation and Border State Industries, Inc.

N2008.7.78 – CenturyTel of Montana, Inc. d/b/a CenturyTel – Advice 08-04 – Introduce a New Service Called "Prepaid Local Telephone Service"